

JUDGE RAKOFF

12 CIV 4986

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FRANCE TELECOM S.A.,

Plaintiff,

- against -

MARVELL SEMICONDUCTOR, INC.,

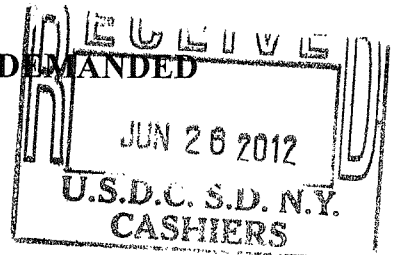
Defendant.
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ECF CASE

Civ. Action No. _____

COMPLAINT

JURY TRIAL DEMANDED



Plaintiff France Telecom S.A. ("France Telecom"), by its attorneys, for its Complaint in this action alleges:

Nature of the Claim

1. This is an action for willful infringement of U.S. Patent No 5,446,747 (the "'747 Patent"). A copy of the '747 Patent is attached hereto as Exhibit A.

Parties and Jurisdiction

2. Plaintiff France Telecom is a French corporation having its principal place of business at 38-40 rue du Général Leclerc, 92794 Issy-Les-Moulineaux, France.

3. On information and belief, defendant Marvell Semiconductor, Inc. ("Marvell") is a California corporation having its principal place of business at 5488 Marvell Lane, Santa Clara, California.

4. This action arises under the Patent Act, 35 U.S.C. §§ 1-376.

5. This Court has jurisdiction to hear this action under 28 U.S.C. §§ 1331 and 1338(a).

Claim for Relief

6. France Telecom is the owner by assignment of all substantial rights in the '747 Patent.

7. The '747 Patent discloses and claims novel methods for error correction coding of source digital data elements (the "Patented Methods") comprising constructed data elements that are commonly known as "turbo codes."

8. The sole named inventor of the '747 Patent, Claude Berrou, was awarded the 2005 Marconi Prize for having "invented turbo codes, thereby solving a data communications puzzle that had evaded researchers for 40 years."

9. The sole named inventor of the '747 Patent, Claude Berrou, was awarded the 2003 IEEE Richard W. Hamming Medal "for the invention of Turbo Codes, which have revolutionized digital communications."

10. The sole named inventor of the '747 Patent, Claude Berrou, was awarded the 1998 IEEE Information Theory Society Golden Jubilee Award for "the invention of Turbo Codes," an award that is given for "inventions that have had a profound impact in the technology of information transmission, processing and compression."

11. Use of the Patented Methods is essential to the operation of numerous mobile devices which transmit or receive data according to "3G" telecommunications standards.

12. Numerous makers of telecommunications apparatus have purchased royalty-bearing licenses under the '747 Patent, including Broadcom, Ericsson, General Dynamics, Hughes Network Systems, Infineon, L-3 Communications, NEC, NTT-AT, Qualcomm, and STMicro.

13. Marvell manufactures and sells communications processors which are specially adapted for use in practicing the Patented Methods, including the PXA9xx family of cellular processors and the PXA12xx and PXA18xx families of slim modems (collectively the “Marvell PXA Products”).

14. Marvell has actively induced massive infringement of the ‘747 Patent in this judicial district, including by supplying communications processors that are especially adapted for use in BlackBerry wireless communications devices and systems used in this district and that have no substantial noninfringing use.

15. Marvell has contributed to massive infringement of the ‘747 Patent in this judicial district, including by supplying communications processors that are especially adapted for use in BlackBerry wireless devices and systems used in this district and that have no substantial noninfringing use.

16. On information and belief, Marvell has had actual knowledge of the ‘747 Patent since long prior to its development and sale of the Marvell PXA Products.

17. Marvell has supplied communications processors to handset manufacturers with specific intent to induce and contribute to infringement of the ‘747 Patent.

18. Marvell’s infringement of the ‘747 Patent has been willful and wanton.

19. Marvell’s infringement of the ‘747 Patent has caused damage to France Telecom.

Prayer for Relief

WHEREFORE, France Telecom prays that the Court:

A. Declare, adjudge, and decree that Marvell is liable to France Telecom for infringement of the ‘747 Patent;

B. Award France Telecom compensatory damages as provided by law;

- C. Award France Telecom treble damages as provided by law;
- D. Award France Telecom prejudgment interest as provided by law;
- E. Issue preliminary and permanent injunctions against continued infringement of the '747 by Marvell or persons in active concert or participation with Marvell;
- F. Declare this case exceptional pursuant to 35 U.S.C. § 285 and award France Telecom its reasonable attorneys' fees, costs, and expenses incurred in prosecuting its claim for infringement; and
- G. Award France Telecom such other and further relief as this Court deems just and proper.

Dated: New York, New York
June 26, 2012

Elliot E. Polebaum
Joseph J. Lobue

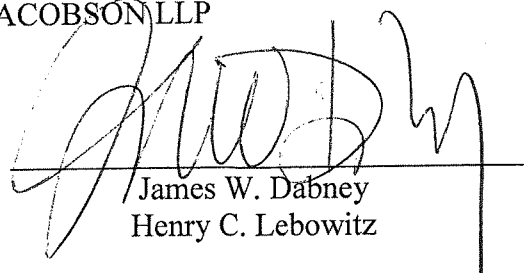
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